App. F. IX-4

Previous References 1936 (Muzrai)

File No. 51-36

Serial Nos. 1-3

Letter References. 4-5

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 3

Part B for September 36

SUBJECT.

Re Endowed lands of Mr Muthuveeram Pillai of Ayakudi for the benefit of Sri Sengeri Math

To the Muz Comr
no 315-1 3, 9-36

813

WD 0418—GPB—22,500—29 8 36

Fds copy of his Sprl. Power of Law Agent in the matter of ag. cases

1384

General & Revenue Secretariat. Mis. 3 File No. 51 of 1936 [App. F. III–2

Serial No.

L. No. 882 dt. 22.6.1936 from the Magrai Commissioner requesting instructions as to the action that has to be taken for getting possession of the wet lands endowed by Mr. Muthuveerasami Pillai of Ayakudi for the benefit of Sri Nilagiri Murugan and enquiring if a Civil Suit can be successfully launched.

(1) If agreed the file can be sent to Law Dept. for favour of Opinion
SS 25/6

(2) The file may be forwd to the Govt. Advocate, who may know Tamil, and not as the Asst. Secretary, Law section, does not seem to know Tamil, in which language the deed of gift is written.

25-6-36

G.O. No 63/35-36 dated 25-6-1936 from 1094/35-36 dt 29-6-1936

(3) Forwarded, with compliments, to the Govt. Advocate for favour of opinion.

25/6/36

Sd/- Subbarayappa
for Gen'l Secy to Govt.

G.O. No. 29/35-36 dt 25-8-36

Returned with compliments.

(4) The Donor has not reserved any permanent right of management under the Gift Deed. He has only agreed as directed by the Swami that he and his heirs would have the lands cultivated, collect the

NOTE—Contn. Sheet.

the gutta according to the Gutta Deeds from time to time, and send it on to the Mutt. He has further failed to remit the collections as agreed. There seems to be therefore no legal objection to take over possession of the property and lease it to others.

Government Advocate.

C°N/25.8.36

Serial No.

Letter No. C/5?, dt. 8.25

[illegible]

22.6.36, [illegible]

certain [illegible]

Bills, [illegible]

[illegible]

[illegible]

5) The questions referred on the subject has been referred to the Govt Advocate for [illegible] opinion on 25.6.1936. If received, this bill also be sent to him in continuation.

Bgh 20/8/36.

6) yes
21/8/36

7) Forwarded with compliments unofficially to the Govt Advocate in Mysore Bangalore.

By order
Sambasivappa
for Secy to Govt

Bangalore
21-8-36

GENL & REV. SECRETARIAT
20-9-36
AUG 1936
M. ZONAL BRANCH

No. 180 183/36-37
dy 24.8.36

No. Do. 30/36-37
dy 25.8.36

8) Returned with compliments in continuation of this office U.O. No. 29 dated 25.8.1936.

V. Nagabhushana Iyer
Government Advocate.

NOTE: Cloth Sheet

MUZRAI BRANCH
25 AUG 1936
GENL. & REV. SECRETARIAT

CSN/25.8.36

29/36

8)

1384/184

1302/36

File No. of 193

General and Revenue Secretariat

From the year 1931 the quit amount of Rs 250/- p.a has remained unpaid as seen from the letter received from the Officer in Charge of the Dmte. Instructions re: the recovery of this as also the action the M.C. has to take to get possession of the lands are not clear from para 5 supra.

D/Sec is invited the opinion of Th. G. A. is invited - for approval

[illegible] 26.6.36. Gen Secy)

26/8/36

Asst Secy Law may see this & note his view

Law 26/8/36

-59-

Law pre 27/8

1) The document after recitingpara an ort r ort gift contains the following reserving management

"On account of the Sri Samastham being in a far off country, [illegible] the cultivation etc of the lands will be done through me and my heirs in accordance with The Command of Sri Samastham and I and my heirs retain hereafter no rights to the lands other than that of collecting the quit rent fixed

K.M.

R. D. cleaning 15/6/36. Paragraph P.W.D.

26 AUG. 1936 749

Serial No.

for the time being & keeping over its price at the current market value to the Sri Samsthanam

14 It is clear from the document that the right, if any, reserved for the donor is not a right in property such as a permanent lease - Because the patta or rent is not fixed in perpetuity and what the donor agrees to collect & pay the patta to be fixed from time to time by the Mutt. It is a right of management but that too subject to the control of the Mutt that the donor tries to reserve for himself & his heirs. If the reservation be read as referring to any permanent right of management being vested in the donor, it would be repugnant to the terms of the gift already made and must therefore be considered to be void as being a restriction repugnant to the interest created. (Vide sec 11 of the Transfer of Property Regn).

15 Action may therefore be taken to get possession of the lands & if for this a civil suit is necessary, it may be filed successfully —

(Gen Secy) Yes. ME 28/8

(Survey) Please send copy of Asstt Secy's minutes. Sec 29/8

28 AUG.

NOTE—Contn. Sheet.

File No. 51 of 1936

General and Revenue Secretariat

May the draft in the file as revised by the Cyclo Secy. issue?
29.8.36. The draft as revised is in accordance with the General Secretary's orders contained in para 19 of the notes

29/8

Yes. Issue
29/8/36

No 353 D/3.9.36 to the Mazrai Commissioner forwarding him with the Law opinion solicited by him.

3

TYPIC ECTION
31 AUG. 1936
GENL. & REV. SECTT.

B
7/9/36

M.C 13.]
No. 1682

Mys 51-367

GENL. & REV. SECRETARIAT
25 JUN. 1936
1384

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE,

Bangalore, 22nd June *193* 6.

25.6.1936

FROM

K. V. ANANTARAMAN, ESQ., B.A.,
Muzrai Commissioner in Mysore.

To

L. Venkatesa Iyengar, Esq., I.C.S.,
Secretary to the Government of His Highness
the Maharaja of Mysore,
General *Department.*

SIR, 24 JUNE 1936

Endowment of certain wet lands by one Lt. Muthuveeram Pillai of Ayalur for the benefit of the Sri Sringeri Mutt.

I have the honor to forward herewith a copy of letter No.4995/35 dated 15th June 1936 together with its enclosures received from the Deputy Commissioner, Kadur District, re. the above and requesting instructions whether under the terms of the gift deed the donor can be deprived of the right to manage the property and whether the land may be taken possession of by the Mutt authorities and leased out to others.

2. In the circumstances explained, I request you to be so good as to consult the Law Section and favour me with instructions as to the action that has to be taken to get possession of the lands and if a civil suit can be successfully launched.

I have the honor to be,
Sir,
Your most obedient servant,
K V Anantaraman
Muzrai Commissioner.

Letter No.4995/35 dated 15-6-36 from the Deputy Commissioner, Kadur District, to the Muzrai Commissioner in Mysore.

Recovery of rent of land gifted by Mr. Muthuveeram Pillai of Ayalur, Trichinopoly District.

I hhave the honor to forward herewith a copy of letter No.103/Tamil of 35-36 dated 5th June 36 from the Officer-in-Charge, Sringeri Jahgir, stating that the donor has not remitted, in spite of several letters and a registered notice sent to him, rent of Rs 250 a year on the gifted land, as per agreement, since 1931 and requesting instructions in the matter of recovering the rent and leasing out the lands to other tenants. A copy of the gift deed in Tamil is forwarded herewith for information.

I request you to kindly consult the Government Advocate in the matter and communicate his opinion as to the further action to be taken in the matter.

"C O P Y"

M. N Ananthan

For Muzrai Commissioner.

Copy of letter No. 108/Tamil of 35-36 dated 5th June 36 from the Officer in charge, Sringeri Jahgir, Sringeri, to the Deputy Commissioner, Kadur District, Chickmagalur.

I have the honor to state that one Mr. Muthuveeram Pillai residing at Ayalur, Sri Ramasamudram Post in Musari Taluk of the Trichinopoly Dist. has gifted to the Mutt 4 acres 85 cents of wet land agreeing to have the land cultivated himself and remit the income regularly every year in the month of Chaitra Masa. A copy of the Gift Deed is herein enclosed for favour of information and kind perusal.

The donor was remitting the income from the lands, Vis. Rs 250/- every year till the end of 1930 and since 1931 no amount has been received from him. Several reminders were sent but the have been of no avail. On 22-5-36 a notice was issued to him by Registered post to remit the lease amount. The notice has been acknowledged by him, but he has neither sent any money nor has he sent any reply. Under the circumstances there seems to be no other way to recover the lease amount except by filing a suit and I request permission to do so. In view of the terms of the document it is doubtful whether the donor of the land can be deprived of the right to manage the property and whether the Mutt can take possession of the same and lease out the same directly to other tenants. Instructions are solicited.

"Copy"

For Deputy Commissioner,
Kadur District.

SM

Inv. BR

Mys 51-86-2

GEN. & JUDL. 184 19 AUG 1936 MYSORE

M C 13.] No. 1682 35-1

Enc. 1

(10

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore, 15th August *193*6.

18

FROM

K. V. ANANTARAMAN, ESQ., B.A.,

Muzrai Commissioner in Mysore

To

Rao Bahadur M. Venkatesa Iyengar Esqr.,

Secretary to the Government of His Highness the Maharaja of Mysore,

GENERAL Department.

19 AUG. 1936

SIR, Endowment of certain wet lands by one Sri. Puttu Gowda Killedar of Ayalur for the benefit of the Sri Srinivasa Perumal.

In continuation of this office letter dated 22nd June 36 re: the above, I have the honor to forward herewith a Kannada translation of the gift deed executed by the party and to request the favour of early orders in the matter.

I have the honor to be,

Sir,

Your most obedient servant,

K. V. Anantharaman

Muzrai Commissioner.

ADM.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. 355/Muz SI-36-3 *Dated, Bangalore,* 1st Septr. 1936.

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore*

To

The Muzrai Commissioner in Mysore,

Bangalore.

Sir, Subject:- Endowment of certain wet lands by Mr. Muthu veeram Pillai of Ayalur Trichi District to the Sri Sringeri Mutt.

With reference to correspondence ending with your letter No.1682/35-36 dated 18th August 1936, on the above subject, I am directed to forward herewith a copy of the opinion of the Government Advocate and Law Secretariat in the matter for necessary action. Copies of the Gift deed in Tamil and Kanarese received with your letters are herewith returned.

I have the honour to be,
Sir,
Your most obedient servant,

General Secretary to Government.

K.M.R.2.

Annendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to ....

General and Revenue Secretariat

( )

the *193*

Date of issue ... 3 ... 9 ... 36 ...

Signed by ... D. Subbarayappa ...

List of enclosures .....

X. ~~Typical~~. Please type para 4 of the ~~notes as an Enclosure~~, and paras 13, 14 and ~~16~~ 15 of the notes as enclosures.

Copied by ...

Examined by.....

Section Mis

File No. 51-35

Serial No. 3

No. 355-L(3

To

The M.C.

Subject: Endowment of Certain ~~free~~ lands by ~~the~~ late Mahaw Tricli-ar Pillai of Ayalur ~~for~~ to ~~temples~~ Sri Srirangam Trust

Sir,

With reference to correspondence ending with your letter No. 1682/35.36 ~~of 4/9/36 of the~~ subsequent letter of 18/8/36. on the above subject, I am directed to forward herewith a copy of the opinion of ~~the Executive~~ the G.A. & Law Secretariat ~~Counsel~~ in the matter for necessary action. X. ~~The Executive Officer~~ ~~is requested to report~~. ~~Issued below~~ - Copies of the G.O.s dated ~~Orders~~ received with your letters in Tamil and Kannada are be